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10-31-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF :

TAKASHI IDA ET AL : GROUP 2623

SERIAL NO: 09/692,457

FILED: OCTOBER 20, 2000 : EXAMINER: LE, BRIAN

FOR: METHOD OF EXTRACTING CONTOUR
OF IMAGE, METHOD OF EXTRACTING
OBJECT FROM IMAGE, AND VIDEO...

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OCT 23 2003

PROVISIONAL ELECTION

Technology Center 2600

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated September 23, 2003, Applicants elect Group II, Claims 4-7, drawn to a transmission system that comprises server and client, which mutually transmit and receive image data of object extraction, classified in class 382, subclass 305. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does identify separate search classifications, it is believed that the claims of the present application would have to be searched in only a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional

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Response to Official Action dated September 23, 2003

effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain three separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-17 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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